

CONFIDENTIAL

TITLE: SUPERVISORS AND COLLECTIVE BARGAINING

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Canada

DRAFT STUDY

prepared for

TASK FORCE ON LABOUR RELATIONS
(Privy Council Office)

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PROJECT NO. 42

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Contents

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ChapterPage


I.	Introduction	3
II.	The Status of the Supervisor in Modern Industry	4
	A. Long-run changes in first-line supervisor's position	
	B. "Human Relations" research and "The Man in the Middle"	
	C. The Career Ladder and the new technical expertise	
	D. "The" foreman in different technical settings	
	E. "The" foreman in different national settings	
	F. Supervisors' attitudinal responses to their statuses	
III.	The Legal Status of Supervisory Bargaining	27
	A. Canadian public policy	
	B. United States public policy	
	C. New York State public policy	
IV.	Traditional Areas of Supervisory Unionism	38
	A. Foremen as members of rank-and-file unions	
	B. Foremen as members of exclusively supervisory unions	
	C. Professionalism and supervisory unionism	
	D. Supervisory unionism under different national industrial relations systems	
V.	Experience with Supervisory Unionism Outside the Traditional Areas	56
	A. Foreman's unionization during World War II	
	B. Longshore experience in British Columbia	
VI.	The "Great Debate" over Supervisory Unionism	69
	A. "Supervisory unionism is harmful"	
	B. "Supervisory unionism is unnecessary"	
	C. An Aside: relations between supervisory and rank-and-file unions	

VII.	Some Managerial Responses and Remedies	87
VIII.	Summary and Conclusions	93

Chapter I

INTRODUCTION

This report opens with a broad-brush attempt to assess the impact on the first-line supervisor's position of the major technological, managerial, and social changes of recent times. After noting North American public policy toward supervisory unionism it focuses upon industries, occupations, and national settings within which supervisory bargaining relationships have been long-established and vigorous. A major purpose of this focus is the desire to determine how unique and non-transferable these supervisory industrial relations may be. Two experiences with supervisory unionization outside the long-established core areas are then examined in detail. Managerial arguments and analyses, with countervailing argumentation by supporters of supervisory bargaining, are assessed. Policy adaptations by management following awareness of supervisory discontent are noted. Finally, some tentative observations and generalizations are offered.



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Chapter II THE STATUS OF THE SUPERVISOR IN MODERN INDUSTRY

Over the past quarter century a substantial body of research and analytic literature on the status of the first-line supervisor or foreman has appeared. Despite differences in conceptualization, approach and research design a remarkable degree of agreement emerges on one point: the foreman is in trouble.

This common theme, that the first-line supervisor faces an unusually stressful situation, is expressed in many ways, some mutually contradictory. But whether he is seen as "the man in the middle", as "a member of two organizational families" with inconsistent values, as "master and victim of double talk", as facing a secular decline in his status and authority simultaneous with a rise in his responsibilities, or as facing increasingly successful competition from the university-trained supervisor and staff man, he is seen as a man under pressure -- pressure in some sense greater than that facing other ranks in the industrial hierarchy.

A. Long-run changes in first-line supervisor's position

Most discussions of the role of the foreman open with a reference to the secular decline in his authority (or secular increase in the ratio of his responsibilities to his authority) resulting from technological progress, improvements in management science, or the rise of unions among

rank-and-file workers. A typical formulation points to:

... his loss of authority, the attrition of his right to make decisions. The privilege of hiring and firing had been shifted to the specialists in the personnel department; the satisfying experience of training new employees had been transferred to the training director; communicating company policies to the worker had been assigned to the editor of the house organ or to the writer of executive bulletins; the right to discipline the unruly was now in the hands of the industrial relations director, whose eye was cocked on the union contracts, and not on the facts of shop life.¹

Investigations of the extraordinary upsurge of supervisory unionism in North America during World War II emphasize these long-run shifts as factors underlying that explosion.² Secular declines in status, power and hopes of upward movement resulting from rationalization, technical change, and the rise of personnel management are cited, together with a decline in relative position -- relative, that is, to the rank-and-file worker, with previous spreads in wage levels, fringe benefits and job security narrowing.

From a position at an earlier stage of industrialization that was quasi-independent (with virtual "independent contractor" status within the plant)³ the foreman has been transformed not only into dependent employee, but into dependent employee under conditions of considerable uncertainty. The modern foreman, according to one observer, often does not even know precisely who his boss is; he is confronted with a multiplicity of line and staff people whose displeasure he must avoid, each of them with conflicting priorities.⁴

Seear points to a similar decline in the foreman's authority in Great Britain. There he had been "the traditional figure of authority"

in the factory, but today "a barrage of complaint and criticism" is forthcoming from foremen because of confusion over their actual position. With an extended management hierarchy and the growth of specialist departments "many matters which directly or indirectly affect the work of his department are virtually, if not completely, settled with little direct participation or even consultation on his part." He often lacks authority to settle worker problems, and is therefore bypassed by the shop steward. As a result the steward's authority in the eyes of the work force often exceeds that of the foreman, who is seen as a mere figurehead.⁵ Similar comments on the declining role of the foreman can be found in the literature on other countries -- even in countries differing as much from the British or North American technological and developmental level as India.⁶

B. "Human Relations" research and "The Man in the Middle"

Developing out of the Hawthorne experiments, the "human relations" school of researchers emphasized the social psychology of the work group, the limited validity of the earlier quasi-authoritarian model of managerial authority, the contribution of feelings of participation and social importance to motivation and hence to output. A logical development was a fresh look at the role of the foreman. A frequently cited article by Fritz J. Roethlisberger, a major figure in this movement, is of interest here.⁷

Roethlisberger sees the relation of the foreman to his supervisor

as the most important and most tension-ridden of the foreman's many interpersonal relations. A constant need to keep his supervisor's approval permeates virtually all the foreman's thoughts and actions. He must continually seek ways of upward communication that present his performance (and that of those under him) favorably, even if the facts are unfavorable. The foreman "is in effect painfully tutored to focus his attention upward to his immediate superiors and the logics of evaluation they represent, rather than downward to his subordinates and the feelings they have."*

The foreman-specialist relation is also a source of insecurity to the foreman, since specialists set standards he must meet, and have independent access to his superiors, so that his control of the upward information flow is impaired.

Foreman-foreman relations are a technical necessity, but also give rise to anxieties, since formally equal foremen are (or at least are perceived as) really unequal in closeness to their mutual superiors.

Foreman-worker relations reveal some of the contradictory pressures under which the foreman labors. Informal work groups (motivated by defensive, non-maximizing, 'the good life' values) powerfully influence worker behavior in opposition to threats to those values perceived in orders from the foreman's superiors. The foreman must get voluntary cooperation from the work group (in work standards and methods in whose establishment neither he nor ^{bifurcated} work group) has participated. "Standing in the middle of a now formally

* This may suggest to the reader a different model from that typical of "human relations" writers' one of a Janus-like, bilateral-symmetry, middle-man; the contradiction is resolved later in his presentation.

situation where one-half is trying to introduce changes and improvements into the factory situation and the other half is trying to prevent or resist them, the modern foreman is expected to 'cooperate'."

The foreman can impose his superiors' will only at the cost of resentment from the work group. He takes the blame for management's (and specialists') failure to recognize such truths as the following: that people perform better when they feel they have participated; that people aren't mainly motivated by money incentives; that people aren't atomized individuals, but are members of groups; that people aren't necessarily and consistently logical in their decision-making. "In this environment the foreman stands -- victim, not monarch, of all he surveys." Roethlisberger concludes:

Separated from management and separated from his men, dependent and insecure in his relation to his superiors and uncertain in his relations to his men, asked to give cooperation but in turn receiving none, expected to be friendly but provided with tools which only allow him to be "fair" -- in this situation of social deprivation our modern foreman is asked to deliver the goods.

Like other writers, Roethlisberger mentions joining a union as one of the main ways out of this predicament that foremen clutch at, and characterizes it as an "aggressive response" to the foreman's untenable position.

The dual role of the foreman is focused on with somewhat more optimism by Mann and Dent in a later article summarizing the studies

(mainly of Detroit Edison employees) by the University of Michigan's Institute for Social Research.⁸ They see the foreman as belonging to two "organizational families", in one of which he is leader, in the other, subordinate. Dual membership per se imposes no strain, if both groups have harmony of perceived interests or if the foreman can successfully isolate his two membership roles. In practice the foreman is compelled by his dual status to try to reconcile goals of both groups. Where company-worker conflicts are severe the first-line supervisor

may not be able to perform the dual representation required by his position. As a way out he may "take sides" and risk the loss of effectiveness in dealing with one or the other group. Or he may in effect renounce both groups and seek protection from their conflicting demands by joining a foreman's union. In renouncing both groups, he does become increasingly "a marginal man" as far as management and his employees are concerned.

The researchers queried both the superiors of and the employees of first-line supervisors to see whether the two groups' evaluations of supervisors differed enough to suggest the existence of the sharply conflicting criteria and the sharply perceived interest differences that would make the supervisor's reconciling function impossible.

The two "families'" evaluations were found to be more consistent with one another than the Roethlisberger-type "human relations" researchers' findings would have predicted. Supervisors rated most highly by their superiors (mainly on technical performance criteria) were rated more favorably by their subordinates (mainly on human relations criteria) than

were supervisors receiving poor ratings by their superiors. For example, 71% of employees working under supervisors rated in the highest of six categories by management felt their supervisor did a good job of handling people, while only 24% working under those in the lowest of the six categories thought so. Mann and Dent also cite their Institute's studies of white collar and railroad supervisors to show that those with the best productivity and output records are rated higher in human-relations terms than are poorer-performance foremen. In the Detroit Edison study supervisors highly rated by management were regarded by their employees as members of their work group to a significantly greater degree than were low-rated supervisors. This employee belief did not mean that they saw the high-rated supervisor as subordinating the company's interest to their group interest; on the contrary, they saw him as reconciling the two sets of interests. Consistent with these results is Mann and Dent's finding that less than half the supervisors interviewed expressed feelings of marginality, of being "the man in the middle" of an unresolvable conflict situation.

The Detroit Edison study is a useful modification of the earlier literature's implication that the multi-level conflict was inherently and inevitably unsolvable by the foreman. Generalizing from its findings appears unwarranted, however. An unusual management and a somewhat atypical work force may explain some of the results. Managerial recognition of the dual nature of the supervisor's role (and avoidance of the usual management programs designed to brain-wash the foreman

into believing that he is exclusively a member of management) contributes to the lack of severity of conflict they feel. Perhaps also contributing is the fact that rank-and-file workers appear to have been primarily white collar, primarily unorganized, probably stably employed, and well educated, while supervisors are unusually long-service employees of somewhat lower educational attainment than the people they supervise.

Purcell's study finds the same high level of "dual allegiance" (acceptance of and support for both union and company) among foremen and rank-and-file, together with a relatively high rating of foremen by the rank-and-file.⁹ Research by Ulrich and associates rediscovers the classic "man in the middle" situation, with the foreman not supported by management, communicated at but not with, harassed by staff specialists, caught between a mutually suspicious management and work force.¹⁰ The study of the foreman on the assembly line by Walker and associates reemphasizes the inevitability of the foreman's dual role, his basic function as intermediary between management's goals and his work group's attitudes, and the dangers of the foreman overemphasizing either of his dual roles. Their study notes, for example, that foremen attempting to conform to the older management view of their function -- that of a pusher and driver of the work group -- were the least successful.¹¹

Whyte stresses the emergence of rank-and-file unions as contributors to the foreman's position of "man in the middle".

The foreman's situation today often means that while the union

is originating action for him, the very presence of the union limits his freedom to originate action for his subordinates. Moreover, the presence of the union may also lead to increasing pressures on the foremen from the top down. We often find top management regarding the foreman as something of a scapegoat. As union-management frictions chiefly crop up at this point, some top management people regard the whole problem as one of foreman-training; therefore, they seek to devise more elaborate methods of telling the foreman what to do. With all the pressures converging upon him, the foreman finds himself limited in his opportunities to compensate for them. Consequently it is not unusual to find him complaining that he has become a bumping-post between labor and management, and expressing in many ways that he is what we have described as "The Man in the Middle".

How is the foreman to re-establish his own personal equilibrium in the face of these pressures? We find foremen joining organizations such as The Foreman's Association of America, which enables them to originate action up the line of management as far as the highest levels, if necessary.¹²

C. The Career Ladder and the New Technical Expertise

Observers frequently point to a growing conflict between first-line supervisors and the new technically trained personnel in either line or staff positions, and to declining upward mobility opportunities for the foreman lacking the new expertise. Seear's comments on the British experience would appear to apply even more strongly to the North American context, when she remarks on

... the sharp conflicts which arise between members of the technical and lower and middle management group. The need for more technically trained managers is increasingly stressed, and more and more jobs in the management hierarchy are being reserved for men with the appropriate technical qualifications. This is already meaning that promotion is barred, and is clearly seen to be barred, to many older men who have grown up in the firms in which they work and are being by-passed by young qualified men from universities

and technical colleges. The graduate foreman is not yet a familiar figure in British industry, but the Acton Society studies in Management Succession have shown that the chance of advancement above foreman level is shrinking unless the foreman has qualifications quite different from those which British Industry has always required for the foreman's job. Dr. Burns' researches at Edinburgh University illustrate the hostility that can develop between the scientist in industry and the established management and supervisory staff, and the waste and loss that such hostility breeds. It is not only that the new men are seen as a threat to the established hierarchy: differences of language and loyalties and values can mean that familiarity increases tension and that as they understand each other better they like each other less.¹³

Strauss argues that the shift to the new technical expertise has already occurred on the foreman level. The working supervisor (setup man, group leader, straw boss, crew chief), the bottom-most rung of supervision, has suffered a fall in status in recent years, especially with the emergence of the college-trained foreman. Once a stepping stone to higher supervision, the working foreman position is now a terminal one. (Strauss is summarizing a series of studies of supervision directed by Whyte; three were of blue-collar situations; one was of head nurses. Less intensive studies in construction, utilities, and other areas are cited as supporting his conclusions). Job experience is no longer enough as production processes grow more complex; engineering theory is now needed. With processes increasingly interrelated the job of relatively sophisticated communication with other supervisory and technical people (who are usually college-trained) becomes more important. With the much-discussed substitution of rules (union-inspired and others)

for the foreman's former ad hoc decision-making, the foreman could not give his "working foreman" subordinate the backing he once did (on discipline, on routing of all instructions through him, on consulting him, on protecting his status in relation to the rest of the work crew) even if he wanted to -- and the new 'college boy' foreman doesn't particularly want to! Rank-and-file unionism also contributes to the decline in his status, by insisting that he be either worker or boss, but not both. While seeing the emergence of the white collar foreman as an inevitable result of technological progress, Strauss sees it as creating a social and communications gap with the work group "which may best be bridged by someone like the working supervisor."¹⁴

Whyte also points out that the universal rule of yesteryear that foremen be chosen from the work group is fading fast, with resultant increases in the social cleavage between management and the worker. Even where access to the foreman rank remains open, opportunities for further promotion are predominantly reserved for university-trained personnel.¹⁵

With continuing technical successes and the rising prestige of the technologist, Harbison and Myers observe, many problems once regarded as supervisory in nature are now seen as technical in nature. The supervisory function appears a minor one of relaying orders from experts to workers. The loss of prestige by the foreman weakens his ability to secure cooperation from the work group.¹⁶

D. "The" Foreman in Different Technical Settings

Technology and nature of tasks performed by work groups shape the role and behavior of foremen. Their influence is seen by Whyte as strong; the first sub-heading in his chapter on the first-line supervisor is "The Foreman Does Not Exist". The chapter concludes with:

We find few uniformities in the interactions and activities required as we compare the foreman's position in situations where there are marked differences in technology and work flow.

17

Thurley points out that supervisory responsibilities vary enormously with the technical conditions of production -- the degree of planned variation in product, the complexity of production stages, the variations among unit, batch, and continuous-flow operations. The supervisor's responsibilities could be any combination of the following "ideal types" of supervision:

- (1) The "work flow" system: Here the supervisory system operates primarily to get work out on time. Supervisors concentrate on easing bottlenecks, planning component flow, etc.
- (2) The "work standards" system: The premium here is on work or job specifications and methods of production. Inspection is the chief activity of supervisors, and quality control the major function.
- (3) The "machine control" system: This exists basically to control machine variations and breakdowns.

- (4) The "labor control" system: This is the traditional supervisory system which aims at controlling the speed of operatives and the amount of worker effort.
- (5) The "cost control" system: Supervision here concentrates on minimizing waste, cost reductions, economy of effort.
- (6) The "work methods control" system: Here the supervisory system attempts to standardize and control operators' work methods.

Thurley speaks of "supervisory systems of control" rather than of the individual supervisor because his group's researches suggest the difficulty in working with the latter concept. In fact, "One of the main practical problems of supervisory research is the difficulty in defining the supervisor".

The most powerful pressures on the supervisor, Thurley concludes from the investigations of his London School group, do not come from work groups. (He even questions whether modern technology always permits such work groups to arise, in contrast to other writers' implied universality of such entities). The most powerful pressures come from production contingencies arising from the need of maintaining work flows, and from other technology-based sources.

Thurley quotes writers who argue that automation (with advance programming of machine operations, feedback mechanisms for automatic self-regulation, etc.) will drastically reduce the need for the first-line supervisor. The reasoning here is that the worker becomes a responsible,

self-supervising monitor, rather than a producer; hence the supervisor's functions can be programmed into the automatic operation flow. Thurley's studies suggest that the impact of technology is much more varied than these predictions imply, but he agrees that the supervisor's functions are usually much changed by such innovations. To the extent that automation is associated with continuous-flow operations it probably does involve a reduction in the number of supervisory functions and a substitution of indirect for direct supervision. These in turn imply the need for better-trained supervisors.¹⁸

Blauner's observations on supervision in continuous-flow chemical plants supports the prediction that growth of such operations will reduce direct supervision.

The overbearing supervision characteristic of past industrial practices is unlikely in a modern continuous-process plant. Chemical production requires responsible workers who will not need to be watched too closely. Due to the decentralized operations, the large amount of outdoor work, and the considerable physical mobility possible, individuals often work far out of the range of their immediate supervisors. As for operators, three-quarters of the time they are working nights or weekends, when there may be only one supervisor on duty in the entire plant.

The chemical workers interviewed all felt that the load of supervision was light and that they were given considerable scope to do their jobs in their own way ... This freedom is possible because the work team which runs an individual plant takes over many of the functions of supervision in other technological contexts. A worker will come to work and do his job well, not out of fear of a particular boss, but because he feels the other operators in his crew are depending on him to do his part of the total work. Many of the coordinating and administrative functions of supervision fall to the head shift operator, the leader of each plant's work crew. Since the head operator is an hourly blue-collar

employee and the most experienced man in the particular department, his guidance is not felt to be oppressive supervision. The fact that he has previously worked at each of the jobs in his department in the course of working his way to the top is an important basis of his authority and respect.¹⁹

The greater worker contact and technical consultation with higher-level supervisors and specialists is seen as a further stimulus to morale and performance.

In sharp contrast is the role of the supervisor in the textile industry. The foreman here, Blauner points out, retains considerable power to fire and lay off, to ignore seniority, to reward favorites. Part of the contrast is explained by differences in the production process, which is less machine-controlled than most; worker output must be policed and pushed. Part of the explanation is economic; a small-firm, small-margin industry demands more pressuring of workers than does an economically advanced industry. Social factors are also relevant; retention of older managerial values that have been abandoned in most industries, weakness of unions, etc.

The automobile assembly plant poses a third type of supervisory role to Blauner. The assembly line takes over many of the control functions that a textile supervisor would perform. Foremen in auto, freed from the need of pressuring workers, can concentrate on manning problems and personal relationships with the work group. The line itself receives some of the hostility that in other industries might be directed toward the foreman. Walker points out that if the industry's "engineering principles of pro-

gressive assembly" (in product movement, tooling, parts delivery, and scheduling) worked perfectly the foreman would have no basic role to play. He comes into his own when error arises.

One observation in the Walker study is suggestive as a partial explanation of why auto assembly plants predominated in the upsurge of supervisory unionism during World War II. Foremen are intimated inter-related by the line's sequential flow. Errors or inadequacies in prior operations make performance goals difficult to achieve. Foremen interviewed stressed importance of cooperation with fellow foremen (lending men when absenteeism is serious, tactful error correction, "covering" each others' section in emergencies, etc.). Most believed that cooperation was on a reasonably high level, and resented management policies which compelled foremen to compete against one another.²⁰

E. "The" Foreman in Different National Settings

Differences in national industrial relations systems should produce differences in the role and status of the supervisor. National differences in values, social structure, managerial recruitment patterns, social distances among differing occupational groups, composition of elites leading developmental processes, size of typical firm, and insulation of firm and industry from competitive pressures all must have their effects, but a study of those effects is beyond the scope of this report. A few observations concerning these factors will be made in a later section in connection with European experiences with foreman's unionism and with managerial unionism.

In their international study which included Great Britain, France, Italy, Germany, Sweden, Japan and other countries (Canada was not included) Harbison and Myers found that foremen were not considered by their superiors in most countries to be part of management. Because of this "prevailing practice" they classified foremen in their study as senior members of the working force rather than as part of management.²¹ Suggestive of the complexity of the interrelation between the larger society and the status of the supervisor is their finding that only two countries varied from the usual pattern and considered foremen as part of management. The two countries were the U.S. and the U.S.S.R., countries whose differences are more often commented on than their similarities.

F. Supervisors' Attitudinal Responses to their Statuses

That discontent and alienation are not an inevitable response to the tensions of their position is suggested by many observers. In Walker's study of assembly line foremen, for example, most foremen were not critical of their superiors' behavior in matters of authority. Many felt their superiors performed the same "shock absorber" function for them that they performed for their own subordinates. This function -- which most foremen saw as their major responsibility -- involved the absorbing of pressure and criticism from above without transmitting it further down. This buffer function, combined with a willingness when necessary to defend the interests of subordinates is seen as the key to winning workers' confidence. They see the good foreman as a representative of management,

but one performing protective functions toward his crew as well.²²

Attitudes of course reflect national settings. Ryder claims that American first-line supervisors are more management-oriented than their British counterparts, and more vigorous in asserting management's interests.²³ Myers claims that Swedish first-line supervisors tend to identify themselves with the working class.²⁴

Despite a desire to identify with management and an agreement with the often-repeated slogan that they are indeed management, foremen are quoted frequently as expressing doubts about their acceptance into managerial ranks. Complaints that they receive inadequate training, inadequate authority to meet their responsibilities, that the reasons for decisions are not discussed with them are common. As Walker comments, "Foremen in any industry are not only interested in being told that they are members of the management team. They want to be treated as members of management, which means being consulted on decisions that effect them."²⁵ Resentments can even lead to a desire to separate themselves from the managerial bloc. Suggestive of this is a news item in 1956 telling of the withdrawal of a 1,000-member Foreman's Club of Columbus, Ohio from its national organization because an excessively high proportion of the national body's membership came from above-foreman ranks.²⁶

Discontent over compensation and indicia of status is more often over relative than absolute standings. Commenters on the World War II Foreman's movement frequently pointed out that absolute levels of supervisory compensation were reasonable, but that resentment against narrowing

of margins vis a vis rank-and-file workers was intense.²⁷ Such relative discontents would appear to be much less of a problem where the supervisor sees possibilities of ultimate movement up the career ladder.²⁸

Perception of blocked upward mobility opportunities need not necessarily lead to psychic strain, however. A study by Coates and Pellegrin of first-line supervisors in a Southern U. S. industrial city found the great majority stating emphatically that they would not want, "if they could start over again", to become top-level executives.

"Too many headaches" is given as their main reason. Dubin comments on these findings²⁹

Their success goals are set lower and they are adjusted to these lower goals. Part of their rationalization is that the wear and tear of success at higher levels is not worth it. It is important to be aware that the rags-to-riches ideology has faded fast in American industry. Those who start at the bottom (rather than from a college education) see relatively low ceilings for themselves, and can find reasons for not being dissatisfied with this lot in life.

Psychic strain may of course exist but be concealed, with resulting communications problems. Maier concludes that

As a matter of fact, employees in lower management positions are often more subject to fear than are rank-and-file employees. They have no union to go to when they feel themselves abused and they cannot obtain comparable positions by leaving the company. As a consequence they are less free in the expression of grievances; thus management is left quite unaware of the extent of discontent that exists among them. In interviewing both rank-and-file employees and management personnel, the author was unable to escape the conclusion that employees in supervisory positions are less free in expressing their true feelings than are non-supervisory employees.³⁰

Finally, strain may be resolved by turning toward group action. A 1957 survey reported that only 65 per cent of U.S. foremen identified with management, and that among low-seniority foremen 58 per cent did not agree that foremen should stay out of unions.³¹

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24. Myers, Charles A., "Management in Sweden", p. 293, in Harbison and Myers.
25. Walker, pp. 46, 49. See also Cabe, Foremen's Unions, p. 16.
26. Business Week, June 23, 1956, p. 66.
27. Ferguson, p. 430.
28. Routh, Guy, "Future Trade Union Membership", in Roberts, pp. 65-67.
29. Coates, C. H., and Pellegrin, R. J., "Executives and Supervisors: Self-Views and Views of Each Other", in Dubin.
30. Maier, Norman R. F., "A Human Relations Program For Supervision", Industrial and Labor Relations Review, April, 1948.

31. Harbison and Myers, p. 14n.

CHAPTER III

THE LEGAL STATUS OF SUPERVISORY BARGAINING

Coverage by protective legislation, or the absence of coverage, strongly affects the fortunes of most employee groups seeking self-organization. For countries like Canada and the United States exclusion of a group from the basic labor laws' definition of "employee" means that employers are not under a legal compulsion to bargain, and may mean that employer self-help weapons against employee organization otherwise barred by law are permitted.

A. Canadian Public Policy

All labor relations acts in Canada exclude managerial employees from their definition of "employee", and therefore from coverage under the acts. Most Canadian acts follow the practice of the Industrial Relations and Disputes Investigation Act in not spelling out criteria the boards must use in distinguishing managerial from non-managerial employees, with Saskatchewan's specifying of power to hire and fire an exception.³²

Section 2 (1) (i) of the IRDI excludes "a manager or superintendent, or any other person who, in the opinion of the Board, exercises management functions..."³³

Public policy has left to the boards the job of defining, in a host of differing institutional and technical settings, the proper boundaries for managerial exclusion. That this job has been an unusually difficult one is suggested by the record. Board inquiries into the exact nature of managerial responsibilities have been painstaking and detailed.

The Canada Labour Relations Board has not taken the position that

any managerial responsibility is sufficient to exclude a person from the "employee" definition. For example, in International Longshoremen's Association, Applicant and Brown and Ryan Ltd. of Montreal, Inc., Respondent, it included a mechanic's foreman and a general labour foreman, despite its findings that the former "works with the mechanics in the Respondent's garage and carries out certain supervisory functions in relation thereto under the direction of the supervisor of mechanics." and its finding that the latter "works with the general labourers employed in the Respondents' freight shed terminals as above in a supervisory capacity under the direction of the general labour supervisor." The Board held that the supervisory duties performed were of too limited a nature and scope to justify excluding them.³⁴

The problem of the managerial cut-off is particularly complex where professional or artistic employees are involved, as the frequent references to the problem in the University of Toronto conference on bargaining and professionals at the end of 1965 suggest.³⁵ A fairly recent decision involving such employees is that of the National Association of Broadcast Employees and Technicians, Applicant, and Baton Broadcasting, Ltd., Respondent, where the Board held that a unit of television producer-directors was inappropriate because of the managerial functions performed by them in the production of shows for subsequent sale to sponsors. For such shows the employer carried full financial risk and responsibility, and its producer-directors had wide authority to plan, direct, supervise and instruct the work of others, including the power to exceed his budget in emergencies.

without advanced approval from the employer. Interestingly, the Board held that the professional-artistic courtesies that clothed the producer-director's orders in the garb of suggestions did not change their essential managerial character. The fact that the producer-directors exercised much less responsibility when working on shows produced under contract to a client of the employer was not viewed as controlling by the Board.³⁶

Each industry has its own supervisory peculiarities (as the later discussion of longshore supervisors exemplifies). In over-the-road trucking, for example, dock foremen in truck terminals are sometimes included in the teamsters' bargaining unit. To cite one example, they were so included in a unit certified by the CLRB in International Brotherhood of Teamsters Local 605 Applicant, and Gill Interprovincial Lines Ltd., North Burnaby, B. C., Respondent, without objection by the company; the "dispatcher" category was excluded, however.³⁷ Owner-operators have sometimes been held to be employees by the CLRB, but excluded because they perform managerial functions in regard to their driver-helpers, who were held to be employees of the company rather than of the owner-operators.³⁸

The supervisory picture in maritime employment (where much supervisory unionism predates PC 1003) is complex. There is, for example, a wide range of decisions, from a 1946 case in which a rank-and-file seamen's union received certification for a unit of licensed (i.e. supervisory) personnel³⁹ to a 1966 case excluding captains of two-man vessels

from a rank-and-file unit.⁴⁰ In general, Board certifications appear consistently to exclude chief engineers from licensed engineers' units, but a 1954 decision suggests some variation here too.⁴¹

In railroading, with a tradition of managerial unionism, the Board would seem to have modified its usual criteria at times to conform somewhat to customary practice. Thus in 1958 railway yardmasters were held to be non-managerial, despite their "authority to control and direct the movement of cars, engines and trains within the yard", and despite the fact that they had switch crews, yard clerks, and cleaners working under them. The Board's reasoning, that the yardmaster worked under the supervision of a general yardmaster, would seem, if applied to other industries, to shift the managerial cut-off point much higher in the command structure than it now is. The Board noted in this decision that the railroad had treated yardmasters as employees in concluding collective bargaining agreements with them in the same manner as with other employees.⁴²

Variations would appear to be temporal as well as industrial. For example, in 1947 the Ontario Labour Relations Board certified a separate foreman's unit in one case, a precedent it and other Boards have not followed up since then.⁴³

B. United States Public Policy

The National Labor Relations Act of 1935 (Wagner Act) contained no explicit exclusion of managerial employees. Thus National Labor Relations Board

decisions were controlling (subject to court review) until the 1947 Taft-Hartley amendments provided for managerial exclusion.

Until the Union Collieries case (41 NLRB 961, 1942) the Board had limited coverage to supervisors in industries in which they traditionally had enjoyed collective bargaining relations with employers.⁴⁴ In this case, involving an independent supervisor's union, the Mine Officials' Union of America, assistant foremen, weigh bosses, fire bosses and coal inspectors were held to be "employees" under the act, and were held to be an appropriate unit. In the Godchaux Sugars Inc. case, which followed shortly thereafter, the Board granted coverage to supervisors who were members of a supervisors' local union affiliated with a parent organization which also included rank-and-file locals.

The two decisions apparently induced the United Mine Workers to abandon its policy of excluding foremen from membership (on the grounds that they were representatives of management). The UMW amended its constitution to grant membership eligibility to supervisors, absorbed the MOUA as an affiliate, and began demanding inclusion of foremen in UMW contracts.

The NLRB reversed the Union Collieries and Godchaux decisions in May 1943 in the Maryland Drydock case (49 NLRB 733 1943). It even denied all foremen the protection of the act, but later cases reintroduced protection for the traditionally organized trades. The Maryland Drydock decision meant, as Chairman Millis's dissent argued, that if employers

refused to bargain foremen would have to resort to the strike weapon - a weapon that during wartime conflicted with public policy objectives. Maryland Drydock dealt with foremen who were members of a rank-and-file union, but the NLRB in subsequent cases extended the ban to independent foremen's unions as well. (The response of the Foremen's Association of America, as shown later, to Maryland Drydock was (a) to turn to widespread strike action and (b) to try to get from the War Labor Board the protection the NLRB had denied them).

Maryland Drydock did not, of course, illegalize supervisory unionism, any more than the later Taft-Hartley language did. What it did was to remove the compulsion to bargain with such unions, and (until modified by later decisions)⁴⁵ deny foremen access to the Board on unfair labor practices complaints.

The Maryland Drydock reversal of the Union Collieries-Godchaux reversal of traditional board policy was itself reversed in the Packard case (61 NLRB 4, 1945). In this decision the Board pointed to the effect of Maryland Drydock in encouraging organizational strikes, and promised that if dire consequences flowed from foremen collective bargaining it would take appropriate corrective action. In Packard the Board held that different levels of supervisors (four in this case) could be in the same bargaining unit, on the grounds that they had a community of interest, they could not take major action regarding one another without management's approval, and none formulated policy.

An unusually intense and impassioned management reaction to Packard arose, led, interestingly, by General Motors, the one auto industry employer where there was no threat of supervisory unionism establishing a foothold.

After Packard the NLRB widened its coverage of foremen. In Young Spring and Wire (65 NLRB 298, 1946) it held that foremen could not be excluded from protection of the Act even if they were very high in the managerial hierarchy, with major decision-making power. In Jones and Laughlin (66 NLRB 386, 1946) it extended coverage to a supervisors' local affiliated to a rank-and-file international union, thus restoring Godchaux. (This decision encouraged rank-and-file unions to enter the supervisory field. Thus the United Steelworkers of America in May 1945 established the "United Foremen of America".) In California Packing (66 NLRB 1461, 1946) it approved bargaining rights for foremen belonging to a rank-and-file local.

The 1947 Taft-Hartley exclusion of supervisory personnel in turn upset the rule of Packard and its related cases. As an interesting contrast to prevailing Canadian legislation, the amended National Labor Relations Act attempted, in its Section 2(11), to define a supervisor.

... any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

Certainly Taft-Hartley's exclusion did great damage to the fortunes

of supervisory unionism in mass-production industries. Several students of the rise and fall of the Foreman's Association of America claim that Taft-Hartley can be given the main credit for its demise.⁴⁶ One may well disagree with this emphasis, and credit changing management policies with at least equal weight, but the Taft-Hartley impact undeniably suggests that supervisory unionism is much less viable in the mass-production industries when it is denied the coverage of protective labor laws.

C. New York State Public Policy

Inconsistencies between state and federal policies made some arena-shopping profitable for supervisory unions. Blocked by Maryland Drydock, the FAA petitioned the New York State Labor Relations Board for an election at Allegheny Ludlum Steel Corporation at Dunkirk, New York in December 1943. The FAA was certified by the Board in June 1944.⁴⁷ The company appealed to the courts, arguing that it was engaged in interstate commerce and that the state's action in certifying a foreman's union was against federal policy as enunciated in Maryland Drydock. The assertion of state jurisdiction was upheld by all three levels of New York Courts.

The New York board was also upheld by the state courts in another supervisory employee case (State Labor Relations Board v. Bethlehem Steel Co., 1945). Here the employer's refusal to obey the Board's subpoena was based first on the issue of interstate commerce and NLRB jurisdiction and second on the argument "that foremen as supervisory employees were 'employers' rather than employees within the meaning of the act and could not constitute

an appropriate bargaining unit". Both arguments were rejected by the Board and the state courts.⁴⁸

In April 1947 the U.S. Supreme Court reversed the New York State Labor Relations Board position in the supervisory employee cases, on the grounds that the National Labor Relations Board held jurisdiction despite its refusal to cover foremen. By then, however, the Packard decision had restored the NLRB route to the FAA, until Taft-Hartley closed it once again later in the year.

That some residue of the earlier liberality toward supervisory unionism survived in New York is suggested by the inclusion of the following by the New York Chamber of Commerce among 1958 proposals for reform in the state's Labor Relations Act:

the elimination of supervisors from coverage of the Act so as to avoid the conflict arising from dual loyalties to an employer and a union.⁴⁹

32. Herman, Edward E., Determination of the Appropriate Bargaining Unit by Labour Relations Boards in Canada. Occasional Paper No. 5, Economics and Research Branch, Canada Department of Labour. Ottawa: Queen's Printer, 1966, pp. 30-31.
Carrothers, A.W.R., Collective Bargaining Law in Canada. Toronto: Butterworths, 1965, pp. 92, 92n, 97.
Commerce Clearing House, Canadian Labor Law Reports, paragraphs 30, 201; 40, 101; 55, 100; 60, 301.
But see Wartime Labour Relations Regulations, P.C. 1003, Section 2 (1) (f) for an example of language closer to the Saskatchewan "hire and fire" criteria.
33. Canadian Labor Law Reports, Par. 5, 101.
34. Canada Labour Relations Board, Reasons For Judgment dated January 12, 1966.
35. John H. G. Crispo, editor, Collective Bargaining and the Professional Employee. Toronto: Centre for Industrial Relations, University of Toronto, 1966.
36. CLRB, Reasons For Judgment, dated May 11, 1967.
37. CLRB, Reasons For Judgment, dated March 1, 1962.
38. CLRB, Reasons For Judgment, dated May 1, 1966 (Arrow Transit Lines case).
39. Wartime Labour Relations Board, order dated August 22, 1946. Mentioned in S.S. Texaco Warriar Limited, Applicants, and Canadian Seamen's Union Respondent, Reasons for Judgment dated June 14, 1951.
40. CLRB, Seafarers' International Union of Canada, Applicant, and Three Rivers Boatmen Ltd., Respondent, Reasons For Judgment dated November 29, 1966.
41. A CLRB order of certification dated January 22, 1954 for Northland Navigation included "chief engineer". Mentioned in CLRB, John J. Wood Applicant, National Association of Marine Engineers of Canada Respondent, Reasons For Judgment July 7, 1959.
42. The Brotherhood of Railroad Trainmen (CLC) and New York Central Railroad Company (Northern District) Respondent, Reasons For Judgment dated December 3, 1958.
43. Herman, p. 143.
44. Where not otherwise cited, source for NLRB decisions is Levinson, pp. 154-172, 243-271.

45. A May 8, 1944 decision (56NLRB 348), and the Soss and Republic Steel cases.
46. Levinson, p. 437. Larrowe, Charles P. "A Meteor on the Industrial Relations Horizon: The Foreman's Association of America". Labor History, Fall 1961, p. 294.
47. Levinson, p. 281.
48. Hanslowe, Kurt L., Procedures and Policies of the New York State Labor Relations Board. New York State School of Industrial Relations, Cornell University, 1964, pp. 132-133.
49. Hanslowe, p. 147.

Chapter IV

TRADITIONAL AREAS OF SUPERVISORY UNIONISM

In spite of the importance of inclusion or exclusion by protective legislation, supervisory unionism is something more than a creature of such protection. Occupations and industries exist in which it has proved viable and even vigorous without protective legislation, and there are national settings within which it has experienced a much more luxuriant growth than in North America. This section briefly reviews such areas, both because of their inherent interest and in the hope of suggesting the extent to which their experience is peculiar to and non-transferable out of the specific institutional settings involved.

A. Foremen as Members of Rank-and-File Unions⁵⁰

In printing and construction (and to a lesser extent in metal trades, railroading, and other industries), foremen have long been members of the same internationals and the same locals as the workers they supervise. A 1943 tabulation of U.S. unions admitting both foremen and production workers to membership showed 20 to be AFL affiliates, 3 to be CIO affiliates, and 5 to be unaffiliated.⁵¹ As this breakdown suggests (and examination of names of individual unions supports) joint membership is strongly correlated with craft unionism.

(1) The Printing Industry:

Incorporation of foremen into rank-and-file unions has been further developed in the printing industry than in any other industry. The available

literature discusses mainly the typographical and printing pressmen's unions, but similar practices can be found among other crafts within the industry.

The historical evolution of supervisory inclusion sheds light on its nature. From its earliest days, employers and supervisors in the printing industry have been ex-craftsmen. Ease of entry, probability of ultimate return (in the event of business failure) to craftsman status, and desirability of maintaining welfare benefits of craftsmens' organizations have been commented on frequently. Printing employers have never displayed the virtually unanimous opposition to supervisory unionism expressed in most industries.⁵²

Foremen were prominent in early secret societies (protective bodies, often formed in countercyclical relation to local unions) described by one observer as "shadow international unions". After the severe depression of the 1870's almost crippled the International Typographical Union a "Brotherhood of the Union of Printers of North America", largely a foreman's organization, successfully protected the position of union foremen, and was even widely accused by fellow ITU members of favoring its own members in hiring, and of building a political machine. A conscious "third-force", "man-in-the-middle" strategy has even been attributed to the early foremen.

Until the 1880's, by limiting the scope of collective bargaining and influencing the specific union regulations governing working relationships the foreman used the union to legitimize his position of independence of both the employer and the individual journeyman.⁵³

Baker points out that, although most foremen were good union members, it was early recognized that a hostile one could do serious harm through his control of hiring and his interpretation of work rules - and even a friendly one could play favorites. After the General Laws of the ITU banned direct supervision by the employer and gave foremen exclusive right to hire and fire, membership concern about possible abuses increased. In 1890 a "Law" was passed that foremen could discharge only for incompetence, violation of union rules, neglect of duty, or shortage of work. Frequent proposals to standardize supervisory practices, and frequent complaints of foremen's favoritism were expressed, beginning in the 1870's. Efforts at ITU conventions during the '70's and '80's to require foremen to drop out of the union were frequent, but unsuccessful.⁵⁴ Beginning in 1880, efforts to break the secret societies (which kept reappearing under different names) were persistent in the ITU. They were finally banned in 1895, but survived until about 1928. The campaign against the secret societies was essentially an effort to reduce the influence of foremen in union politics and in the work situation.⁵⁵ A foreman-supported ITU leadership consistently opposed seniority limits on foremen's right to hire and fire, even repealing them briefly in 1915. Control of the ITU by the "Progressives" (who organized to attack the foremen-conservative alliance) in recent years has lessened foreman influence.

The union foreman has been a strategic figure in the process of craft differentiation in the printing industry. As technology differentiated skills strongly enough so that a compositor-trained foreman could no longer

effectively supervise the new crafts, split-offs from the ITU occurred (pressmen, photoengravers, stereotypers). The pressmen early discovered that they could throw off ITU domination only by requiring that press foremen be members of their union. Their 1889 secession from the ITU was caused partly by the performing of press work by compositors, abetted by foremen who were nearly always compositors.⁵⁶

The ITU's lesser success in commercial printing than in newspaper printing has been attributed in part to the greater need of commercial printers, under stronger competitive pressure than newspaper publishers, to watch production costs and to be their own 'production managers'.⁵⁷

From the above discussion the historical circumstances surrounding the emergence of supervisory inclusion would appear, it not unique to printing, at least much more relevant to it and a handful of similar industries than to industry in general. Aside from the question of its origins, however, the performance of supervisory inclusion in recent decades must be noted briefly. Its impact on managerial authority, labor-management cooperation, labor discipline, and the rate of innovation has not been examined by industrial relations writers as closely as the importance of this topic would warrant, but some conclusions are available. These in general support the impression obtainable from the historical evidence - namely, that printing's supervisory unionism has relatively little transferability to or relevance to the large majority of work situations outside printing.

One explanation of the viability of supervisory unionism here is the unusually high degree of self-supervision resulting from strong craft identification.

The craftsman's high degree of personal control implies a complementary freedom from external supervisory control. Craftsmen, with their strong sense of independence and dignity, resent close supervision and are likely to resist it more militantly and successfully than other manual workers. They have little need for external controls, since they have internalized standards of responsibility, output, and workmanship. Their discipline is self-discipline, supported by the group discipline of the professional craft, which enforces collective standards of excellence and behavior. Craftsmen generally consider themselves as good as their supervisors in social status as well as professional competence. In craft industries, the foreman is often the oldest and most experienced journeyman. He may be more respected, but he is not basically different from the others.⁵⁸

The complexity of work rules is sometimes cited to suggest that the foreman's managerial discretion may be modest.

... there is very little management in the technical phases of the business. It is almost impossible for any initiative to be shown by the foreman ... His discretion in the shop is limited ... The control by the foreman over productivity or efficiency is almost nonexistent.⁵⁹

The complexity of rules also means that an experienced craftsman is the most logical candidate for filling of supervisory positions.

Baker sees the powerful craft nature of printing as key to its tradition of foreman as union members. She sees as significant the fact that nearly every international president of the pressmen either had been

a foreman or remained a foreman during his term of office. Her study of New York and Chicago commercial printing in 1947, plus persistent inquiry, "uncovered no cases of union discipline of foremen of a sort likely to obstruct efficient performance." No printing employer interviewed accused the pressmen's union of interfering with efficiency through the disciplining of foremen, but some employer belief is cited that compositor foremen are handicapped by rank-and-file pressure. Some employer negligence in meeting its managerial responsibilities created a vacuum that the union foreman filled, she suggests. Selection of foremen on the basis of craftsmanship rather than leadership qualities is still common.⁶⁰

Ferguson, citing a study of newspaper printing, mentions that early publisher objections to unionizing of foremen have shifted in modern times to a desire to protect the foreman's independence from union discipline. Printing unions have agreed to joint settlement of disputes arising from such disciplining, and despite some complaints such pressure does not appear serious. Other studies he cites in book and job printing and in the letterpress and lithographic fields are less favorable. Employers and some impartial observers comment on union abuse of its disciplinary weapon, and of the need for more protection for the foreman to permit him to fulfill his responsibilities to management.⁶¹

Leiter gives an even more favorable judgment of the managerial impact of supervisory unionism than Baker does.

The fact that foremen are members of the union has raised no unusual or important problems in the printing trades ... The unions invariably recognize that the foremen are representatives of management ... The union has never considered the dismissal of a foreman as subject to the grievance procedure. This means that the foreman cannot depend on seniority or upon union protection for tenure of employment.⁶²

While these varying interpretations make judgment difficult, it seems safe at least to say that the case for a destructive impact on management by supervisory unionism in printing must be regarded as "not proven".

(2) The Construction Industry:

Almost all construction unions require the foreman to be a member. The usual explanation for this practice is two-fold; first, that the construction foreman is primarily a working foreman and, second, that foreman membership is necessary to enforce the many working rules in the trade.⁶³ In contrast to the second of these reasons is Straus's emphasis on what might be called the rule-lessness of the industry. His analysis emphasized the ad hoc, pragmatic, informal, favor-trading, power-responsive nature of industrial relations in construction. This, plus the strong industry identification, narrow class lines between employer and employee, a common social and psychological outlook, and the relatively high mobility among rank-and-file, foreman, and managerial statuses, appear to provide more of an explanation of the prevalence of supervisory inclusion than the more conventional explanation provides. Analogies to railroading, maritime, and printing industries are suggested by his observation that "the industry as a whole stands apart from the

rest of the community".⁶⁴ The combination of the short and uncertain duration of the individual construction job with a relatively permanent craft-oriented work force and management may contribute to this.

(3) The Railroad Industry:

Despite the existence of separate unions of supervisory personnel in railroading, the large majority of organized supervisors in railroading are members of rank and file unions.⁶⁵ An estimated eighty per cent of supervisory and managerial employees on U. S. railroads are union members, a percentage equal to that among rank-and-file employees. This includes some middle-management employees as well as first-line supervisors. In the opinion of Dale and Raimon this unusually high proportion is attributable almost entirely to the Railway Labor Act.⁶⁶

During World War I labor shortages and the flight of employees to other industries where wages were uncontrolled by government encouraged the federal authorities to launch a job classification program to legitimate the granting of wage increases. Middle-management personnel, like others, had to be classified and conferred with. Thus when the railroads were returned to private owners the precedent for governmental responsibility for intervention in wage settlement procedures for managerial personnel was already established. The 1920 Transportation Act provided for a Railroad Labor Board to mediate wage disputes. "Precisely because many employees, including a large majority of subordinate officials were not union members did the Congress insist that the benefits of the 1920 Act not be made the exclusive property of the organized railroad workers."⁶⁷

The carriers wanted to delete managerial coverage from the 1926 Railway Labor Act, but feared that pressing the issue might endanger passage. Also, in 1925 less than one fifth of "subordinate officials" were union members, and the carriers doubted that the Act would encourage such unionization. However, the 1934 Railway Labor Act amendments, with these precedents, did encourage managerial unionism, passed as it was during a period of great public sympathy for unionization.

Dale and Raimon disagree strongly with the RLA's (and its National Mediations Board's) policy of favoring management unionism. Their main basis of objection is somewhat peripheral to this inquiry (i.e. criteria of procedural fairness and objectivity in administration of RLA and similar legislation). They also pose the question of whether managerial unionism reduces managerial efficiency and creativity. They supply no information on this for the railway industry, pointing out the near-impossibility of such research ever being conclusive. They argue, however, on a priori grounds that top management's distrust of its unionized subordinates must have a harmful effect on managerial productivity. They also refer to the Congress's adverse judgment as embodied in the Taft-Hartley act, and the War Labor Board's refusal to support managerial unionism, after what they describe (accurately) as a very detailed review of the evidence in the Slichter panel hearings (which are discussed below.)

Aside from the RLA's peculiarities and unusual development, they cite another reason, "one unique to the transportation industry",

contributing to managerial unionization:

Despite the substantial level of managerial authority vested with many subordinate officials on the railroads and the airlines, a good many of these officials may be inferior to key rank-and-file employees in both pay and prestige.

The railway engineer and the airline pilot have few counterparts outside of transportation - and if they, highly paid and respected, can belong to unions, managerial personnel are understandably interested. A more conventional reason is also given:

The failure of many carriers to pay sufficient heed to the problems of middle-management employees no doubt also served to enhance the appeal of union affiliation.

B. Foremen as Members of Exclusively Supervisory Unions

The 1943 enumeration referred to earlier lists nine long-established unions of exclusively supervisory workers. Three were unions of licensed maritime personnel, three were of supervisory personnel in the postal and railway mail service, two were of railway yardmasters and supervisors, and one represented navy yard foremen. This concentration on government employment and heavy transport with its (especially in railroading) quasi-governmental size and organizational characteristics is of interest. British experience also suggests that supervisory unions are more likely to be found among government employees or employees of nationalized industries. Also of interest is the unusually early date of origin of these unions. Of the nine mentioned, the median date of origin is 1908.

An interesting Canadian instance of efforts at supervisory unionization came before the Wartime Labour Relations Board in 1945.⁶⁸ Particularly interesting is the element of conflict between exclusively supervisory and rank-and-file unionism. The Railway Supervisors Association, an unaffiliated body with headquarters in Winnipeg, applied for certification covering over 300 foremen in the shops of the Canadian National Railway's Western Region. The RSA had been in existence since 1926, although without bargaining relationships with the CNR, except for some correspondence on grievances from time to time. (From the limited references in the WLRB records the RSA would appear to have performed mainly fraternal and social functions for railway shop foremen who felt a common craft and status identification.) The unit applied for was not covered by the contract between the CNR and the Canadian Brotherhood of Railway Employees, which did cover the men working under the foremen. The CNR argued that, except for assistant foremen, the employees involved had power to hire, fire or effectively recommend such action. The RSA denied existence of the power to hire and fire, and argued that power to recommend was no power at all, since it could be ignored by superiors. The RSA president further argued that

Our experience in the past has proves (sic) to us conclusively that the interests of the supervisors cannot be adequately protected while attempting to act in an individual capacity.

The CBRE argued that the supervisors in the unit requested were all promoted from positions covered by the CBRE contract, continued to

accumulate seniority in the CBRE unit, and could exercise that seniority; if laid off/^{from} their present positions. Further, the CBRE contract had covered such positions from 1916 to 1920, when the CNR had insisted on their exclusion. CBRE argued that if such positions should be covered by collective bargaining the CBRE should cover them.

The WLRB rejected the RSA application, holding that the unit was not appropriate for collective bargaining purposes.

2. Professionalism and Supervisory Unionism

The professional as employee has always posed some special problems in supervisor-supervised relationships. Professionalism as imputed status, labor supply characteristic, occupational mystique, or ideology is far too complex a phenomenon to be treated satisfactorily in this report, but a few relevant observations are possible.

The "rank-and-file" professional employee is something of an anomaly. Compared to the usual non-supervisory employee he possesses an internalized "managerial" set of controls, identifications with the stated objectives of the employing enterprise, and self-disciplines. (Some of the blue-collar crafts reflect similar, but weaker, value systems.) Thus direct and heavy-handed supervision is less necessary and more resented. Relationships with organizational seniors are seen as colleague relationships where the seniors share a common training and experience, or as clientele relationships where the seniors lack this common background. High

proportions of professional employees have managerial responsibilities, either over fellow professionals or over technicians and sub-technical workers, making the usual legal managerial cut-off a particularly onerous one to the professional employee organization. Further, the nature of professionalism makes the demand for sharing in managerial decision-making far more intense than it is from blue-collar unions. In the latter case it is normally a defensive mechanism attempting to minimize harmful effects on pre-existing relationships arising from technological and organizational innovation; in the former it is inherent in the notions of competence and responsibility of the professional ideology itself.

These and closely related points have been discussed in their Canadian contexts in some detail - and with considerable insight - at several recent conferences.⁶⁹ Equally useful discussion of these problems in their U.S. context has also occurred recently.⁷⁰

Artistic and creative employee groups pose managerial problems very similar to those of professionals, as the Montreal CBC producers' strike of 1959 exemplifies.

D. Supervisory Unionism Under Different National Industrial Relations Systems

That the extent and character of supervisory unionism varies sharply from country to country is clear. That such unionism is regarded by, for example, Western European top managements as less of a threat to managerial control than it is by their North American counterparts is also clear.

Much less clear, however, is the case for the transferability or

relevance to North American industrial relations settings of European supervisory unionism experiences. Sharper European differentiations among, and lesser career movements among, the varying strata of supervision provide one of the more important reasons for this non-transferability.⁷¹ It is not merely that most European management regards the first-line supervisor as part of the work force rather than as part of management, although this is an important difference from North American managerial outlook. Even more significant a difference is the gulf separating middle management and staff specialist groups from top management, a gulf widened by the relatively greater importance of family ownership as opposed to professional management and of authoritarian as opposed to participative management philosophies. The greater relative weight of government employment in European industrial relations,⁷² the more active economic planning and coordination role of government and the much greater incidence of bargaining by multi-employer organizations are also relevant differences.

Continental managerial unionism ("des cadres") is primarily an associational form for people above the status of first-line supervision. Since it is the first-line supervisor who is primarily significant for self-organization questions in North America, the relevance of this fascinating organizational development to our inquiry is quite limited. First-line supervisors are much more likely than in North America to be found in rank-and-file unions, even in Great Britain, where managerial unionism is non-existent outside the public sector.⁷³

Predictably, Sweden provides examples of vigorous first-line supervisory unionism. About 90 per cent of blue collar foremen belong

to the Foremen's Union, which has been in existence for a half-century. Legislation permits employers to require their foremen to refrain from membership in rank and file unions, and almost all collective bargaining agreements so provide. Unlike North American public policy, however, Sweden does give legal protection to the foremen-only union. Performance of the Foremen's Union would appear to be quite responsible, with little employer complaint of noncooperation or impairment of foremen's responsibilities to management. Interestingly, clerical supervisors are not in the Foremen's Union, but are often members of the Union of Salaried Employees (SIF). Here membership in the same union as their subordinates is common, but has not given rise to serious problems. Opportunities for movement upward from foremen's positions in Swedish industry are described as more limited than they are in the United States. The Salaried Workers' Federation (TCO) includes a number of additional supervisory unions.⁷⁴

Chapter IV

Bibliography

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Chapter V

EXPERIENCES WITH SUPERVISORY UNIONISM OUTSIDE

THE TRADITIONAL AREAS

Occupations, industries, and national settings within which one or another form of supervisory unionism has flourished would seem, as the previous section's discussion suggests, to possess special characteristics of limited transferability to other settings. The gap between the two kinds of settings can easily be exaggerated, however. Examples of supervisory organization and even collective bargaining can certainly be found outside the traditional settings. The successes and failures of such efforts provide useful insights into the dimensions of the general problem of supervisory unionism. Two examples have been selected for detailed discussion: the World War II upsurge of mass-production industry foreman's unionization in the U.S. (and, to a more limited degree, in Canada) and some Canadian experiences with longshore foreman's organization.

A. Foreman's Unionization During World War II

Virtually all the literature⁷⁵ attempting to explain this phenomenon opens with a reference to the secular decline in the status, power, and hopes of upward movement of the foreman under the impact of rationalization and technological change, the rise of personnel management, and the rise of rank-and-file unionism.⁷⁶ The latter in addition created a strong demonstration effect with its grievance procedure and other protections. The fact that foremen's compensation unlike that of the organized rank-and-file was cut in many industries during the 1938 recession was noted

by foremen, for example.

More crucial explanatory variables than the above were a group of special wartime factors. With the number of foremen double that of prewar in many plants a substantial percentage of foremen were recent rank-and-filers, fresh from recent and successful struggles to secure improvements from management through pressure tactics. Aside from a strong unionist psychology (with union activists probably a relatively high proportion of those promoted to foreman because of the somewhat similar leadership and personality qualities required), many of the new foremen were undertrained and lacked understanding of management's policies. Fears that the expected massive production cutbacks at war end would lead to large-scale demotions, perhaps on arbitrary bases, added to discontent.

Wartime wage controls limited management's flexibility in meeting some of foremen's complaints. Overtime pay had been uncommon for foremen before the war. The wartime expansion of overtime work and other premia raised some rank-and-file workers' compensation to levels above those of their foremen, and certainly on the average narrowed the previous supervisory differential over those supervised. Full employment and belief that government would force concessions to prevent production interruption encouraged militancy.

Management itself was often inadequately trained, and overwhelmed the enormity of war production demands, involving unique products under unprecedented conditions. Tendencies to ignore or harass foremen were therefore stronger than normal.

(1) The Rise of the Foreman's Association of America:

The FAA developed first at Ford Motor Company shortly after the company, as the auto industry's last holdout, entered into contractual relations with the United Auto Workers. At Ford, in addition to the problems mentioned above, lack of continuing rank-and-file seniority in the event of demotion, lack of standardization of compensation among foremen, and discontent at having to administer the new UAW contract without adequate training and direction were serious complaints. FAA pressure secured clearer wage and job classifications, a foremen's training program, and joint Ford-UAW agreement that foremen could continue cumulating seniority within the UAW bargaining unit.

The FAA expanded rapidly. Formed November 2, 1941, it had 10,000 members, all in the Detroit area by the beginning of 1943, and 19,000 by the Fall of 1943. In early 1943 it "accepted into membership the foremen of the Ford plant at Windsor, Canada." By the end of 1943 it had reached beyond the Detroit area with members in east coast ship-building and in aircraft manufacturing. By September 1944 it claimed 25,000 members.

The May 1943 NLRB withdrawal of coverage in Maryland Drydock (coverage remaining withdrawn until the 1945 Packard decision) created problems for FAA.⁷⁷ By June 1943 a Ford-FAA negotiation impasse had been reached. After discharge of 28 supervisors for posting copies of a FAA newspaper advertisement on bulletin boards without authorization the foremen struck.

Almost all the company's 9,000 foremen went out. Through War Labor Board intervention the discharges were rescinded and the strike ended. The company held however that its concessions were unilateral acts and that it would not recognize the FAA.

Maryland Drydock had led even companies which before the decision had made good-faith efforts to deal with FAA (Ford, Packard as examples) to refuse to continue dealing with it. This in turn led FAA to turn to strikes, to put economic pressure on employers and, even more important, political pressure on government to reverse its stand. By the spring of 1944 a series of "showdown" strikes were launched in the hope of securing through the WLB the bargaining rights that the NLRB had denied foremen. The strikes were called off May 18, 1944 with the WLB promising its good offices to avoid discrimination against strikers and announcing the same day the creation of a panel to hear testimony on the foremen's problems (the Slichter panel).

At Ford frustration over company refusal to negotiate and slowness of WLB relief led to a December 1943 wildcat foremen's strike. This two-day strike forced the company to agree to negotiate. (The company claimed it would have had to shut down, not because of the foremen's absence, but because of production workers' "reluctance" to carry out their duties in the absence of the foremen.) Another wildcat occurred in February 1944, ending with company agreement to discuss a disputed transfer with FAA. On May 9, 1944 a contract was signed, the first ever obtained by FAA. It contained clauses on recognition, managerial prerogatives, grievance procedure (not ending in binding arbitration), seniority where ability equal, preferential rehiring of demoted foremen, and wage and job classifications.

Reasonably good relations existed through 1945.

Management concessions to foremen's complaints in auto and other mass-production industries appear to have been substantial even before the August 1945 easing of wage controls gave them more freedom of action. Disaffection apparently declined. For example a representation vote among Packard supervisors in 1945 was won by FAA, 666 votes to 435; in 1943 the vote had been 486 to 2. Company refusal to bargain led to the pro-foreman NLRB decision later in 1945.

The Packard decision had encouraged vigorous organizing efforts in steel and some organizing in textile, rubber and electric products. In 1945 a large group of Wright Aeronautical Corporation supervisors in New Jersey, who had had their own association, joined FAA, as did a similar group, the Westinghouse Professional Association. By mid-1945 FAA reached its membership peak of 32,000. Reconversion cutbacks and reduction of shift work offset organizing gains later in the year and membership was down to 28,000 by year-end.

(2) Decline of the FAA:

FAA responded to large-scale demotions and discharges, some of them alleged to be discriminatory, with a series of "reconversion strikes". In some respects the tactical position of the union was weaker than the "showdown" strikes of 1944. Management was more willing and able to take a strike, and government intervention to bail out the foremen was less noticeable. One stronger factor was present, however; a greater degree of production-worker support was forthcoming. This

resulted from the ending of wartime patriotic antistrike sentiment, and the hope that foremen would reciprocate by supporting the production-worker strikes that were widely expected. The strikes had mixed results. Industry opposition to FAA had hardened by war end. Despite Packard and the winning of 38 representation elections between it and the March 1947 Supreme court decision upholding it, the FAA had difficulty establishing bargaining relationships anywhere.

Relations with Ford worsened during 1946. There is some suggestion that management changes since 1944 had brought the company closer to the rest of the industry's thinking, and that it was determined to break with FAA. Complete defeat for FAA occurred in its May 1947 strike. UAW members crossed picket lines but refused to accept supervisory responsibilities. Production was hampered but not crippled by the absence of the foreman. Shortage of strike funds, passage of Taft-Hartley, and the prior return to work of almost 1,000 strikers led to the ending of the strike on July 7, 1947. Two other FAA strikes at the same time were also lost. The only post-Taft-Hartley FAA strike victory of any significance occurred at Hudson Motor Company in January 1948. With 95 per cent of the foremen supporting it the 9-day strike was successful, leading to a contract between the FAA's local affiliate (the Hudson Supervisors' Association) and the company. Despite this the FAA was finished. By 1960 it still claimed 8,000 members but had only a handful of oral agreements. Examination of the files of the FAA newspaper, The Supervisor through May 1961⁷⁸ shows a pathetic and ineffective effort by a handful of activists to maintain interest in the organization.

One of the more interesting by-products of the FAA's brief career was the generation of the most extensive and intensive available debate on the merits of supervisory unionism. This debate (much more formidable and elaborate on the management side than the union side) occurred before varied U.S. Senate bodies and before the Slichter and Spohn panels of the War Labor Board. This debate is summarized in Part VI of this report.

B. Longshore Experience* in British Columbia⁷⁹

A longshore foreman strike and lockout that tied up British Columbia shipping for three weeks in November and December of 1966 dramatized the existence of a long-standing disagreement over supervisory bargaining between the International Longshoremen's and Warehousemen's Union and the B. C. stevedoring employers represented (among other companies) by the B. C. Maritime Employers' Association. Picket lines established by the striking foremen (members of the Ship and Dock Foremen Local 514, I.L.W.U.) on November 17 were respected by longshoremen until ordered back to work by a court injunction on November 21. Extremely low productivity of the returned longshoremen (characterized by employers, press accounts, and an industrial inquiry commissioner as a deliberate slowdown tactic) soon led to employer refusal to dispatch longshore crews until assurance of normal output was forthcoming. Efforts of the Minister of Labour helped bring about an agreement ending the disruption of work, providing for an industrial inquiry commission and a grievance procedure for foremen.

* A strong case could be made that the recent B.C. longshore developments are not "outside the traditional areas" of supervisory unionism, since most first-line supervisors in North American ports are unionized. This generalization is of limited usefulness, however, because of the industry's enormous variability in institutional, economic, and technical characteristics from port to port. Among the variables are cargo mix, seasonality, inter-employer relations, scope and coverage of the rank-and-file bargaining unit, duties of supervisors, methods of assigning longshoremen to jobs, the unwritten "common law" underpinning each port's industrial relations system and the job titles of the varying levels of supervision.

Prior efforts by the ILWU and the foremen to enter into a collective bargaining relationship included efforts, at longshore contract-negotiation times and other times, to persuade employers to voluntarily enter into such relationships. These efforts were unsuccessful as were efforts in 1964 to secure Canada Labour Relations Board certification for the foremen at two of the four stevedoring companies involved. The CLRB excluded them as "employed in a wholly supervisory capacity". It conceded that "The range of their management functions is more limited than is found in the case of management personnel at the foreman level in some other types of industry operations", but regarded this limitation as a consequence of mutual agreement by the parties and as an adaptation to the nature of B.C. port work. In addition, the history of excluding foremen from ILWU contracts in B. C. apparently contributed to the board's decision.

Longshoremen are not directly employed by individual stevedoring companies, but are dispatched as needed from a BCMEA - ILWU dispatch office. (The contractual relationship is with the BCMEA rather than with individual companies directly). Unlike longshoremen, the foreman is exclusively employed by one company. This complicates the managerial role of the foreman, since the foreman's supervisors within the stevedoring company do not themselves possess direct managerial (or at least direct disciplinary) powers over the longshoremen. Management spokesmen speak of the companies' delegating of most of the industrial relations aspects of managerial prerogatives to the BCMEA, which in turn has delegated part of them to the foreman.

In ship work (the main work in which they are employed) the foremen are generally the only management representatives present. Foremen are above the working foreman or lead man status, although they do instruct new men, and may at times help their men with the work in an emergency. Unlike most supervisors, B.C. longshore foremen up to the time of the 1966 strike at least, were hourly paid employees without stable employment guarantees, subject to layoff whenever work was slow. Compared to supervisors in some other industries, B. C. longshore foremen's power to hire, fire, and discipline is somewhat limited. Longshore gangs are normally dispatched as a group by the BCMEA - ILWU office. The contract does include the foreman among the "employer's representatives" who have power to "suspend or discharge" for cause, but this power is defined narrowly. "Discharge" means separation from a particular work assignment. "Dismissal", which is not so conceded to the foreman, is what in most contracts would be meant by "discharge"; i.e. "outright dismissal from all work under this collective agreement". In practice, when a foreman "fires" a longshoreman he is suspending him for the day. If the foreman believes a more severe penalty is called for he so reports to the BCMEA and his employer. Thus the foreman's is a real, but a limited, power to discipline. Management has submitted lengthy lists of the foreman's managerial duties, responsibilities, and powers. While some question exists as to the extent that these are carried out in practice, in the opinion of Justice Smith (the industrial inquiry commissioner), they lend some support to the thesis that foremen are part of management.

Management has argued that collective bargaining for foremen would weaken work discipline (by making foremen vulnerable to ILWU disciplinary retaliation) and would have disruptive effects because of the divided loyalties of foremen. Justice Smith disagrees in part. The evidence "does not suggest that during ordinary business operations union representation of foremen would raise serious disciplinary problems." He notes that, prior to formation of Local 514, many foremen retained ILWU membership without evidence of ILWU retaliation against them in disciplinary actions. He agrees, however, that during a strike the problem of divided loyalties might well be important - and that this problem is likely to be more serious if foremen belong to the rank and file union. (A reading of the Smith report suggests that a supervisory union not affiliated with the ILWU might have been more acceptable to employers). Employer spokesmen claimed that supervisory collective bargaining had raised costs and lowered productivity massively in San Francisco, Seattle and other U.S. west coast ports. Justice Smith observed that, while Vancouver productivity was apparently higher than that of other west coast ports, a causal connection between this and supervisory bargaining is difficult to establish. Pointing to productivity improvements after the U.S. 1960 ILWU - Pacific Maritime Association contract (despite continued collective bargaining for foremen and walking bosses), he suggested that restrictive work practices, rather than supervisory bargaining, were responsible for low productivity. He concluded that supervisory collective bargaining would probably have much less severe adverse productivity effects than employers feared, if it were to come about.

Management claims that foremen had no grievances, did not want collective bargaining, and were coerced into Local 514 membership by the

ILWU in a power play to increase its control over waterfront activities were rejected by Justice Smith. That ILWU power would be enhanced by supervisory bargaining is conceded, but he suggests that a good-faith belief on the part both of the ILWU and the foremen that collective bargaining was appropriate and desirable was a more important motive. Voluntary support of Local 514 by a majority of the foremen exists.

Unresolved problems and grievances perceived by foremen as being serious (and not resolvable by individual discussion with one's superiors) were noted by the commissioner. Job security concerns (especially if return to longshore status or transfer to other employers became necessary), pension portability and vesting, inequities in work distribution, compensation sometimes below that of longshoremen, and overtime work without compensation, were some of the alleged grievances that the majority of foremen saw as requiring serious attention. The commissioner cites with approval the grievance procedure proposed by the Minister of Labour and accepted as a condition of resumption of work in December 1966. This procedure called for the foreman's right to have ^{[grievances} presented by "a representative of his choice" if he wished, and ended in binding arbitration. Justice Smith's recommendations repeat these conditions. They also recognized that some grievances would have to be settled at more than a single-company level. Recommended also was an ILWU guarantee that ex-foremen could return to longshore work with at least the same seniority enjoyed when they were promoted [almost all foremen being ex-longshoremen].

The position of the foreman appears to have improved since the March 1967 issuance of the Smith report. While still on an hourly basis, foremen now have a minimum monthly income guarantee. The grievance machinery recommended by the commission does not appear to have been used, but informal discussion between employers and foremen is said to have resolved a number

of problems. Organized efforts at management training of foremen are reported. At the same time, membership in Local 514 is reported by union sources to be higher than at the time of the report.

As suggested at the beginning of this section, transferability of longshore experience from one port to another is unusually difficult. For example, the Brooklyn, New York waterfront was tied up for 16 days by Brooklyn International Longshoremen's Association Local 1814 support of a recognition strike by the Shoreside Supervisors Union (despite - or perhaps because of - SSU affiliation with the Marine Engineers Beneficial Association). Newspaper accounts in the New York Times⁸⁰ point to the complex interrelations among this supervisory bargaining effort and conflicts between Brooklyn and national ILA leaders, relations between the shipping association and the ILA, relations between Paul Hall of the Seafarers International Union and Joseph Curran of the National Maritime Union, relations between Brooklyn's District 2 of the MEBA and its national office, etc. Allegedly the Brooklyn MEBA and ILA, plus the national SIU supported the foremen's union, while the NMU and the Masters Mates and Pilots supported the national ILA president's opposition to it.

Supervisory bargaining relationships in other ports, as in New York and Vancouver, are probably not usefully grouped together as members of a common sub-species. For example, there seems no point in attempting to assess the Shipping Federation of Canada's reported efforts to remove ILA foremen and walking bosses from union control⁸¹ without possessing a good working knowledge of Montreal - and other eastern Canadian - port peculiarities and variabilities.

Chapter V

Bibliography

75. Where not otherwise indicated, reference and documentation in "V (A)" is from Levinson, the most thorough available account of the World War II foremen's developments.
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77. At least 30 foremen's strikes occurred during 1944, mainly FAA-led, causing 650,000 man-days of idleness (Cabe, Foremen's Unions, p. 35).

Unfavorable 1943 Ontario and Canadian federal government decisions are also mentioned by Levinson, the former costing FAA some 500 members. His citation for Ontario is FAA's The Supervisor, June 1943, and for the federal government NLRB Member Reilly's dissent in Jones and Laughlin Corp. (63 NLRB 386, 1946).
78. In bound volumes, New York Public Library. A brief library note, "Gave up hope of more with May 1961 issue", would appear to be the FAA's obituary.
79. The main source of information is 'Report of the Industrial Inquiry Commission to the Honourable J. R. Nicholson, Minister of Labour, Into Matters Giving Rise to the Disruption of Shipping Operations at Ports in British Columbia' the Hon. C. Rhodes Smith, Commissioner, Records of certification proceedings of the Canada Labour Relations Board, discussions with management and union leaders, and newspaper coverage also provided useful information.
80. New York Times, October 8, 18, 20, 21, 24, 25, 26, 27, 31, 1967; November 1, 2, 3, 4, 7, 9, 13, 20, 25, 27, 1967; January 20, 1968.
81. Globe and Mail, February 20, 1968.

CHAPTER VI. THE "GREAT DEBATE" OVER SUPERVISORY UNIONISM

As mentioned in section "V (A)" above, the threat of successful foreman's unionization during World War II generated, in testimony, reports and exhibits, the most thorough-going managerial critique of supervisory unionism to date. A summary of this critique, with rebuttals by the FAA and others where relevant, is supplied below. The managerial argument falls under three headings: that supervisory unionism is harmful, that it is unnecessary, and that it is illegal. The third of these arguments is of doubtful relevance to our analysis and will be ignored.⁸²

A. "Supervisory Unionism is Harmful"

Basic to this argument is the much-repeated theme of the foreman as part of management. The foreman controls, and is held responsible for, production. In conformity with the instructions given him he requisitions materials, allocates job assignments, trains personnel on the job, oversees qualitative and quantitative performance. His personnel functions are important; he has power either to take major personnel actions or to effectively recommend such actions (regarding transfer, promotion, discipline, etc.).

The foreman plays a key role in the grievance procedure. A high proportion (managerial estimates varied between 45% and 90%) of all disagreements are settled by the foreman. Coercion of or bias of foremen by colleagues or rank-and-file could lead to consistent anti-management decisions.⁸³

The foreman directs the energies of the auxiliary and staff agencies. He represents line management in relation to them. His memoranda, requisitions, forms, reports, etc. are stimuli directing such activities as plant protection, engineering, personnel, inventory control, safety, cost accounting, etc.

Levinson summarizes the above arguments cogently:

The directives which flow from management are given expression by the foreman through his control of men and materials and by his interpretation of the provisions of the trade agreement. Likewise, standing as he does at the point of contact between men and materials, the foreman absorbs the impulses of the productive process and transmits them to the auxiliary and staff agencies. His functions involve decisive participation in a two-way flow. His functional authorities and responsibilities designate him as part of management.⁸⁴

Management support of the foreman's decisions is consistent and firm; the small minority of reversals are not done by fiat but by suggestion and education. Management does not permit the rank-and-file union to by-pass the foreman on grievances. Management training programs for foreman and conferences with foremen after new rank-and-file contracts are signed, show its reliance on the foreman as its representative.

The fact that the foreman doesn't originate or formulate policy doesn't exclude him from management; even top management must work within limitations imposed by the board of directors.

The FAA rebuttal to the above is that foremen lack the essential characteristic of management--the power to significantly exercise discretion. Terms like "errand boy", "traffic cop", and "non-commissioned officer"

recur in the argument that he must execute management's orders in routine fashion. Not only doesn't he formulate policy; he often isn't even consulted on policy changes affecting his job.

He does not participate in negotiating the production-worker contract. His powers in hiring, disciplining and firing are limited and routine; the production-worker contract itself limits his freedom of action severely.

His grievance authority is limited to the settling of only routine grievances. He lacks authority to settle any involving policy formulation. Management asks him for a summary of the facts, but not for his recommendations. The production-worker union often bypasses him, recognizing his impotence.

FAA representatives were particularly bitter in rebutting the management claim of full backing to foreman's decisions--bitter enough to suggest that this was a value-laden issue. Management doesn't back him up, doesn't keep him informed; changing management policies are often known by production workers before he finds out about them. He is often used as a scapegoat by management, which explains to the rank-and-file union that he misinterpreted its policies. The severe status sensitivities of the foreman are suggested by the following summary of the FAA position by Levinson:

' If in truth the supervisor were a part of management he would receive the proper respect and recognition from other segments of the managerial hierarchy. Some foremen complained to the Slichter panel and elsewhere that their superiors reprimanded them in a derogatory manner and did so in the presence of the rank-and-file workmen.⁸⁵

An argument so often repeated that it takes on the character of a management shibboleth is that foremen's organization would mean "union representation on both sides of the bargaining table." In its literal sense this picturesque plaint is easy to rebut; foremen don't participate in contract negotiations. In regard to contract administration and grievance handling, however, the argument is not as easy to dismiss.⁸⁶

The main weight of the literature on the secular decline in the authority of the foreman modifies without fully rebutting the managerial picture of him as part of the management team. A more convincing functional presentation might have emphasized the foreman, not as management's arm, but as its eyeball. If he chooses to ignore violations of rules or failures to meet standards, management hears of these, if at all, much later and much more expensively.⁸⁷ Slichter, Healey and Livernash point out that managerial policy statements consistently emphasize the foreman's responsibilities and his importance in the management of the firm. Lists of areas of his responsibilities and managerial functions are imposing, and either explicitly or implicitly his authority to fulfil these responsibilities is treated as quite adequate. These authors agree that the foreman's managerial responsibilities are substantial, but question whether he always has the power to meet them.

Actually the foremen have unrestricted authority on very few of these responsibilities. In some areas their authority is so limited as to be almost non-existent. In others it is adequate...Even under favorable conditions, foremen almost inevitably view their job in narrower terms than does top management.⁸⁸

Management willingness to shift the border between supervisory and non-supervisory personnel for tactical reasons weakens somewhat their argument that the managerial character of the foreman represents a fundamental distinction in kind, rather than in degree, between him and

people under him. Before the rise of the FAA employers in mass production industries tried to push the dividing line down as far as it would go, to include all personnel with any supervisory duties, however slight.

Since the recent development of unions composed exclusively of supervisors, however, the policy of manufacturing employers has changed towards agreement to the inclusion of working foremen and other "fringe" personnel in the rank-and-file unions, as a maneuver to limit as far as possible the potential membership strength of the new foremen's unions.⁸⁹

That unionization might not be fully consistent with the supervisor's managerial responsibilities is hinted at by Levinson's comment on one strand of the organized foremen's thinking:

Appreciating the limitations of his authority, the fact that he is practically ignored by both labor and management, and the fact that should he attempt to settle a grievance of any consequence he may be disciplined by management for doing so, the unionized foreman prefers simply not to participate at all in the rank-and-file grievance procedure. It might be best, he suggests, to transfer his entire function in the matter to the personnel department.⁹⁰

A newspaper report of striking Montreal CBC producers "stating they were willing to relinquish management status if that was a prerequisite for recognition"⁹¹ is also of interest. Pleas of newly organized plant protection personnel that they be relieved of some of their disciplinary responsibilities toward production workers have also been cited by management.

Second only to their theme of the foreman as part of management is the theme of the dangers of dual allegiance. Managerial insecurity and inability to trust or rely on the foreman arises first from changes in his attitudes and second from changes in his obligations. Attitudinal shifts from management viewpoint to union-mindedness and trade unionist psychology reflect allegiance to his union, which can get economic benefits for him through pressure on management. They can lead to an unwillingness to discipline a union "brother" beneath him (either in a joint union with production workers or where multi-level foremen are in a separate union.)

Obligations to subordinates, as the majority within the union, can be severe if they hold their superiors responsible for their actions. Disciplinary proceedings by ITU and building trades unions illustrate this. (The fear that "owner control" of industry would be threatened by supervisory unionism is, to Ferguson, the core of its argument.)⁹²

That management fears of rank-and-file pressures on foremen have some foundation is suggested by a Business Week news item on May 22, 1954. It reports that Chrysler foremen (ex-UAW members on "honorable withdrawal" status with UAW while foremen) returned by the company to rank-and-file jobs during a slack period were being disciplined (fined) by the UAW for "conduct detrimental to the union" in some cases. Management, fearing that these cases would influence foremen to avoid antagonizing the union in the future, was suing UAW. In another case,

the Gear Grinding Machine Co. was filing a NLRB unfair labor practice charge against a similar UAW action, alleging it violated Taft-Hartley's ban on coercion. Involved in both cases is a UAW constitutional provision stating that conduct while on "honorable withdrawal" is subject to union discipline upon return to the bargaining unit.

That problems of union discipline may be both contemporary and Canadian is suggested by the following "recent Ontario experience" cited in the brief of the Ontario division of the Canadian Manufacturers' Association before the Rand commission in January 1967:

They have levied fines against members of supervisory management who, also being required to remain union members, gave evidence under subpoena before the Labour Relations Board in respect of other union members within the bargaining unit who engaged in an unlawful strike.⁹³

That foreman's unionism is and must be dependent unionism is a major part of the management argument. Even where separate union structures exist, dependence on rank-and-file union goodwill in organizing, jurisdictional definition, and strikes is extreme. FAA successes in signing up foremen are traced to the active support of rank-and-file workmen (whose veiled threats of noncooperation with foremen who wouldn't join are cited) and the milder approval by rank-and-file union leaders. R.J. Thomas of the UAW is quoted as telling FAA leaders that "if you don't organize foremen we will; if the United Mine Workers tries to organize auto foremen we'll take over from you." On jurisdiction, a supervisory union's terrain is a residual one, restricted to personnel excluded from the rank-and-file bargaining unit; thus rank-and-file pressure on management to change the unit's borders can substantially affect the supervisory union's fortunes. Examples include FAA withdrawal

of certification petitions for steel industry supervisors after the United Steel Workers decided to include them within its own ranks, and the joint UAW-Packard management statement on the eve of a 1944 FAA strike that certain materials supervisors were covered by the production workers' contract and shouldn't strike, despite FAA claim that they were true supervisors.

Dependence on rank-and-file workers and unions must lead (and in some cases has led) to supervisory ignoring of breaches of discipline, violation of safety rules, lower qualitative and quantitative work standards. (On the safety theme, Ferguson, however, notes that the evidence submitted by employers on rising accidents - for example, in the Jones and Laughlin coal mine - and its causal connection with supervisory unionization was not found convincing by the NLRB. He found no convincing evidence of safety deterioration in management's testimony and exhibits.)

Packard management testified before the Slichter panel that since the organization drive of the FAA their foremen had become more lax in their control of rank-and-file workers, and that grievance decisions became more favorable to the workers. A UAW official's welcoming of supervisory unionization "as an offset to management coercion of foremen to speed up rank-and-file workers" was also cited. The foreman is also seen by management spokesmen as a valuable potential source of confidential information to rank-and-file unions. Refusal to do work of striking production workers is predicted; in fact, a January 1946

FAA executive board resolution to this effect is cited.

Ferguson finds the evidence submitted by management on productivity deterioration insufficient to permit a firm adverse conclusion.⁹⁴

It may also be noted that little actual substantiation has been offered by firms whose foremen are union members to support assertions that union membership of foremen will result in the diminution of foremen's efficiency or a let-down in discipline.

The "management's rights" or "managerial prerogatives" argument is invoked in a number of different contexts to argue that supervisory unionism must improperly impair management's duty to manage the firm in the most efficient possible manner on behalf of its stockholders. The danger of leakage of confidential information (to rank-and-file unions, as mentioned above, or to competitors with whom a foreman's union may have or desire to have bargaining relations) is one such context. The application of seniority rules, leading to management's loss of its right to select its own supervisors, is another. While perhaps reasonable for production workers in mass-production industry, where skill levels are modest and worker interchangeability among operations is high, seniority would impose unreasonable restraints on management in foreman selection and transfer. The Murray Corporation informed the Slichter panel that one third of its foremen could be transferred to no other foreman's job without complete retraining, and that another third would require some additional training to be transferable.

As in the case of seniority, the predictable union effort to standardize terms and conditions among different companies would run afoul of the much greater variation among supervisory than non-supervisory job characteristics, requirements, and duties. Impairment of managerial effectiveness and flexibility would be severe.

That managerial freedom to select personnel might be constrained in another sense is suggested by the management allegation that in 1943 the president of the FAA suggested to the Ford UAW union that the FAA would insist that all new appointees to foreman positions be chosen from the ranks of the production-worker's local. (In addition, it is possible that fears of competition from the college-trained foreman might motivate such a supervisory union policy.)

Grievance procedures, particularly those terminating in binding arbitration, would impose increasingly unbearable constraints on managerial freedom of action. With the gradual buildup of precedent, combined with arbitrators' tendencies toward "splitting the difference" between the parties' positions a danger arises. Since foremen exercise managerial functions the rights in question are much less subject to compromise than are those with respect to the rank-and-file union. Also, unlike the rank-and-file worker who is often incapable of presenting his grievances personally to his superiors, the foreman who lacks this ability is almost by definition unqualified to perform managerial duties.

Management's ability to and willingness to promote from the ranks of foremen would be inhibited by unionization, as would the personal, "team-mates" relationships between executives and foremen. Foremen's initiative will be stifled. Managerial downgrading of the foreman's job must occur, because management can no longer trust his loyalty, and must therefore shift the locus of decision-making "upstairs", leaving him a mere work leader supplying only routine guidance to fellow workers.

Socialization of industry might be a consequence of foreman unionization, since organization of executives might be encouraged by their example; unions would then run the companies.

Supervisory unionization must lead to an increase in conflict, non-cooperation, and violence. Factionalism, conflicts between union and non-union foremen, conflicts with rank-and-file unions over demarcation and over status of demoted foremen and vested union interests in magnifying grievances are predicted. Violence and strong-arm tactics by FAA strikers are cited, as in the 1947 Ford strike, where striking foremen entered the plant and physically ejected non-strikers.

Much of the above argumentation is of course conjectural, hypothetical, and extremely difficult conclusively to prove or disprove, especially before the fact; contrary allegations and hypotheses by FAA witnesses abound. The managerial logic is often impressive, but this reader gets the impression that it is weakened by an unstated assumption that in the absence of conflict organizations (foremen's unions in this case) a potential for conflict in the work place would not exist. Management and industrial relations literature abounds in examples to the contrary.

B. "Supervisory Unionism is Unnecessary"

Here the argument can be more briefly summarized. First, compensation complaints of foremen were based on temporary conditions, often not management's fault, which have been corrected. On both absolute and relative bases, supervisory pay (including extra compensation for overtime) had been brought up to satisfactory levels by the time of

the 1944 Slichter panel. Non-wage benefits beyond these enjoyed by productions workers were also typically enjoyed by foremen.

Second, complaints about promotion and demotion had no substantial basis in fact. Demoted foremen were usually protected, through seniority accumulation rights in the rank-and-file contract. In promotions, management in practice took seniority into consideration in making its choices.

Third, grievance procedure demands are unnecessary. Management's "open door" policy permits full and unhindered access to executives, even over the head of the foreman's immediate superior.

Fourth, foremen don't want to organize, but have been coerced into joining unions.

Unlike the "harmful" arguments, these management positions are quite easy to assess. The facts moderately support the second argument, decisively support the first, and almost as decisively reject the fourth (at least as far as automobile foremen in the early 1940's are concerned). Observation and intuition concerning the normal complement of fears and anxieties of typical first-line supervisors makes the third argument suspect.

The recommendations and findings of the Slichter panel (Sumner Slichter, William H. Spohn, and Robert D. Calkins) in January 1945 shed some light on the arguments and counter-arguments of the parties. First, it found that foreman compensation was not at an unreasonable level, either absolutely or relatively. Second, it rejected the foremen's

charge that management was by-passing them in handling rank-and-file grievances. Third, it argued that rigid seniority rules not be forced upon management regarding foremen. Fourth, it pointed to the need for better communication between management and foremen. Fifth, it recommended institution of a formal grievance procedure for foremen (but not ending in compulsory arbitration). It also made some recommendations regarding collective bargaining, but these were deleted from the report upon the suggestion of the chairman of the War Labor Board.⁹⁵ The FAA objected to the absence of binding arbitration in the grievance procedure, management to the inclusion of any grievance procedure at all.

The recommendations of the Spohn panel created somewhat later by the WLB to investigate the mine supervisors' situation (William H. Spohn, Harry Dworkin, and Charles Gregory) were released in April 1945. They found legitimate cases of supervisory pay below that of higher-paid subordinates, and urged corrections. They also urged that supervisors be given the choice of hourly wages or monthly salary. A grievance procedure ending in binding arbitration was recommended, as was the application of seniority criteria where ability was equal. On balance, the Spohn findings were closer to the union position than the Slichter findings were.⁹⁶

C. An Aside: Relations Between Supervisory and Rank-And-File Unions

Since one of the key points at dispute in the above debate - and indeed any debate on supervisory unionism - is the problem of relationships between foremen's and production workers' unions, a brief summary of the relatively rich experience of the 1940's is useful here.

Rank-and-file hostility to and suspicion of foremen as fellow union members in the automobile industry and similar industries has been commented on by several observers.⁹⁷ Despite this, frequent examples of UAW members refusing to cross FAA picket lines, refusing to perform work of striking foremen, and harassing non-striking foremen have been cited. A number of cases suggest, however, that such willingness to support foremen is limited to strikes of short duration, and may be outweighed by trade-offs for more crucially felt concessions from management.

The first auto industry foreman unionization occurred at an auto parts firm in 1938. Attempts to affiliate with UAW were rebuffed "since that organization traditionally regarded foremen as undesirable because of their managerial functions."⁹⁸ A direct charter from the CIO was obtained, and the local grew to between 900 and 1200 members from 11 Detroit firms. Under pressure from Chrysler management Phillip Murray withdrew CIO support during a late 1939 UAW strike, presumably in exchange for company concessions to the strikers. The foreman's local dissolved early in 1940.⁹⁹ Ferguson comments:

Top CIO leaders were unwilling to grant a charter originally, were cynical about the foremen's union during its existence, and readily acceded to its dissolution.¹⁰⁰

UAW Ford local 600 is reported to have rejected a foremen's bid for membership because of a fear that foremen might try to control the local. (Similar fears of supervisors' conservative influences are mentioned by Logan in a Canadian craft union context.)¹⁰¹ Cabe observes that the national labor organizations' attitudes toward the FAA was one

of benevolent neutrality, arising from concern that the foremen's problems might make their own organizations' objectives more difficult to achieve.¹⁰² Top AFL and CIO leaders confined themselves to a vigorous verbal defense of the right of foremen to organize, but avoided making commitments to the FAA.¹⁰³

The history of coal mining supervisory unionism provides a most enlightening contrast to FAA experience.¹⁰⁴ The Mine Officials Union of America began in 1940 spontaneously, without United Mine Worker influence. In September 1942 the NLRB in Union Collieries granted certification, but operators refused to bargain, insisting they would first appeal the decision, to the Supreme Court if necessary. Fearing the hazards and expenses of the years of delay that remaining independent and seeking enforcement through the courts would involve, the MOUA applied for affiliation with the UMW in November 1942. It was accepted, renamed the United Clerical Technical and Supervisory Employees of the UMW. Despite its spontaneous origins UCTSE throughout most of its life did not enjoy anywhere near the degree of support from supervisors that the FAA could claim; pressure from rank-and-file miners and militancy during UCTSE strikes coming from miners rather than supervisors seem fairly well documented.

In the 1943 negotiations John L. Lewis traded off UCTSE recognition for rank-and-file adjustments. In 1945 he settled the UMW strike by giving up his demands for recognition of the supervisors.

(It has been suggested that rank-and-file unwillingness to make prolonged financial sacrifices for supervisors' recognition was the main influence on the 1945 decision.) More important, in the 1947 contract the UMW agreed not only to exclude supervisors from the agreement, but included in the contract a provision that the UMW would not seek to organize them. This was the quid pro quo for receiving a health and welfare fund for the rank-and-file. Thirty days later, on UMW orders, UCTSE was dissolved.

Returning to the auto industry experience for a final example, the FAA in the second month of their 1947 Ford strike asked UAW to respect their picket lines. Since UAW was then negotiating its own contract renewal, and had already received attractive offers from the company, it refused and instead tried to function as a mediator between company and FAA.

To the extent that these experiences can be generalized they suggest first that rank-and-file unions do possess, and will sometimes use, considerable power to help or hurt supervisory unions; some dependency relations thus appear unavoidable. They suggest second that rank-and-file union desire to encourage (and then influence) supervisory unionism exists - but is considerably milder than management spokesmen have feared. The relatively low priority assigned by rank-and-file unions to supervisory unionism is demonstrated by the frequency with which they have traded away support of it for some other management concession.

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Chapter VII

SOME MANAGERIAL RESPONSES AND REMEDIES

Many explanations for the death of mass production industry supervisory unionism in the late 1940's have been put forward by American observers. The "one-shot", non-repetitive nature of supervisory unionism's causes, removal of legal protection, changing strategic positions in the event of foremen's strikes, trading away of supervisory unionism for other gains on the part of the existing rank-and-file unions, and other explanations all have elements of truth to them. But the most impressive single explanation seems to be the change in management's policies toward the first-line supervisor.

These policy changes moved toward greater integration of the foreman into the management structure (and correspondingly greater differentiation between foreman and rank-and-file worker). By 1951 these developments were sufficiently advanced that one writer could summarize them as follows:

Within the last five or ten years, many American companies have taken a number of steps to restore the foreman to his true position as a key member of management - the vital link between top management and the work force. They have enlarged his job and responsibilities, and given him clerical and staff help to do the job better. They have provided training programs or conferences on the handling of industrial relations problems and on other aspects of the foreman's job. They have kept him better informed, through conferences, bulletins and policy manuals, about the company's policies; and some have sought his advice and comments before the policies were actually established. Finally, they have raised his salary and provided other benefits which gave him economic advantages over the highest paid workers under his supervision.¹⁰⁵

Management arguments against supervisory unionism, as has been pointed

out with some cynicism by union spokesmen, sometimes have borne a suspicious resemblance to earlier management arguments against rank-and-file unionism, especially in the "management's rights" theme. Yet this rebuttal misses an important point. Despite the puffing for purposes of argumentation and public relations, managerial reaction to the threat of supervisory unionism appears based on fears and concerns which differ both quantitatively and qualitatively from those associated with rank-and-file unionization. That this was in fact a "gut issue" and not merely a tactical ploy is suggested by the extensive (and quite expensive) remedial efforts that managements engaged in, once the extent of supervisory discontent was dramatically brought to their attention.

Levinson summarizes management's preventative programs as: (1) Efforts to provide foremen with the benefits that unionism would provide. (2) Efforts to change foremen's attitudes, identification, and loyalties through scientific selection, improved training programs, improved communication, clarification of the foreman's authority and responsibilities, provision of opportunities to be heard on policy, and provision of grievance procedures. (3) More rational classification of supervisory jobs, and compensation consistent with the differential responsibilities of each job. (4) Improvement in the supervisor's security through fringe benefits and guarantees in the event of demotion. (5) Support of supervisors' organizations like the National Association of Foremen ("a management-supported organization for the improvement of job knowledge and the promotion of social contacts among

Foremen.") 106

Ferguson points to these managerial responses: (1) Improved communications

between management and foremen, including improved training courses and more frequent group meetings. (2) Support of such bodies as "the Foremen's League for Education and Association" to propagandize against collective bargaining by foremen. (3) Encouragement of foremen's membership in clubs affiliated with either the National Association of Foremen or the National Council of Foremen's Clubs. Of the two groups the N.A.F. has been more explicitly anti-collective bargaining; it has sent spokesmen to Congress to testify on this, and has said it would expel any affiliate supporting supervisory bargaining. The NCFC, which has been affiliated with the YMCA, has avoided the controversy, beyond affirming that the foreman is a part of management.¹⁰⁷ (Such groups have always admitted managerial personnel of above-foreman rank, and in recent years some have adopted changes in name to emphasize the fact that they are not exclusively foremen's organizations). (4) Efforts to improve the foreman's prestige and managerial identifications through symbolic differentiation from the rank-and-file (distinctive badges, offices and telephones, special parking spaces, closer personal contact with management leaders).¹⁰⁸

Encouraging these managerial responses was the conclusion drawn by many from General Motors' experience. The FAA made much less progress in organizing GM foremen than it made elsewhere in the industry, despite vigorous organizational efforts and expense. It never gained enough support to strike a GM plant or to file a GM case before the War Labor Board. Levinson attributes this to the fact that GM for a quarter of a

century before World War II had the kind of personnel policies toward supervisors (regarding differentials, classifications, communication, grievance procedures, identification with management, etc.) that the rest of the industry turned to only after foremen began agitating for a union.¹⁰⁹ (A related but somewhat different explanation for GM's success is suggested by Ferguson. Unlike the rest of the industry, which responded in the 1930's to the threat of rank-and-file unionization by lumping as many sub-foremen, lead men and straw bosses as possible in with higher supervision, GM reduced the number of such positions and clearly differentiated them from the foreman's position.)¹¹⁰

Walker gives partial credit for the high foreman morale and effectiveness he found in the plant studied to top management's efforts to build up the foreman's authority as much as possible.¹¹¹ Other writers have also pointed to managerial efforts at increasing the foreman's function, status, or power.¹¹² It is interesting to note the somewhat similar managerial responses to the recent Vancouver longshore foremen's disturbances, despite major differences in institutional setting and other circumstances.

It would appear that follow-through is required if managerial programs to increase supervisory self-identifications with management are to be successful. This is suggested by the following summary of a study of the results of a supervisory training course for 97 supervisors.

They became very critical of the senior management of the company, and also expressed grievances about material conditions such as pay and promotions ... Once the supervisors perceived that the behavior of the senior management did not conform to their new expectations, they became discontented; 44 of the 97 left or attempted to leave the company in the year following the course.

Previous staff turnover had been negligible ...¹¹³

Thus in the words of the song, "Don't tell me; show me!"

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SUMMARY AND CONCLUSIONS

1. Profound changes in the position of the first-line supervisor have resulted from technological modernization, managerial rationalization, and the expansion of rank-and-file unionism.
2. These changes, on balance, have been destabilizing. Older supervisory perceptions of career opportunities, of status relative to people supervised and relative to staff technologists, of acceptance by and loyalty to top management have frequently been shaken by these changes.
3. Managerial slowness in recognizing and adapting policies to these changes have been an important contributor to past instances of supervisory discontent.
4. Public policy in North America is consistent-perhaps too consistent - in denying protection of the labor relations laws to the primarily supervisory employee. The enormous range of variation by industry, by skill, and by location in the objective and subjective manager-managed relationships suggests that the conflict-of-interest fears underlying the managerial exclusion legislation can not be assumed a priori. Only a case-by-case inquiry can determine the probabilities here.
5. Supervisory unionism has proved viable over long periods in a limited number of areas. Characteristics more or less unique and non-transferable explain such incidence. A variety of associational forms - exclusively supervisory unionism, affiliation with rank-and-file

unionism, and non-union organization - can be found. Evidence of harmful economic and social effects of supervisory unionism is scanty (although part of the explanation for this is neglect by researchers of this complex problem rather than conclusive research findings proving the absence of adverse effects).

5. In general, supervisory bargaining appears to be very much a derived phenomenon, a secondary relationship. Just as the supervisor himself is marginal in the work relationship to two more powerful groups, so is supervisory bargaining reflective of and dependent on the employer-employee relation in general. The detail in the body of this report also points to other dependencies: on work flow and technological characteristics, on past bargaining histories, on internal political stresses in other employee organizations, on managerial sensitivity to the supervisor's Janus-like position, on ease of perceived movement upward in the hierarchy, on commonalities of craft or professional identification between supervisor and supervised, on managerial insecurities vis a vis rank-and-file union encroachments into sensitive areas of decision-making, etc. The moral to this seems to be the avoidance of policy-making by abstract and universal principle, and the substitution of a more flexible ad hoc-ery combined with a willingness to reverse decisions that prove non-functional.

